

AMENDING THE ACT OF AUGUST 15, 1978, REGARDING THE
CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA
IN THE STATE OF GEORGIA

SEPTEMBER 25 (legislative day, SEPTEMBER 24), 1984.—Ordered to be printed

Mr. McCLURE, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany H.R. 2645]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2645), to amend the act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia, having considered the same, reports favorably thereon with amendments to the text, and recommends that the act, as amended, do pass.

The amendments are as follow:

1. On page 2, line 9, strike "February" and insert "September".
2. On page 2, line 11, strike "7,328" and insert "6,800".
3. On pages 2 and 3, strike subsection (f)(1) in its entirety and insert the following new subsection:

(f)(1) The Secretary shall exchange those federally owned lands identified on the map referenced in Section 101 of this Act as "exchange lands" for non-federal lands which are within the boundaries of the recreation area. The values of the lands exchanged under this subsection shall be equal, or shall be equalized in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.

4. On page 3, lines 21 and 22, strike "and included within the recreation area." and insert, "as part of the recreation area."
5. On pages 3 and 4, strike subsection (f)(4) in its entirety and insert the following new subsection:

(4) The Secretary shall publish a revision of the Boundary map referred to in section 101 to exclude from the boundaries of the recreation area any exchange lands which are used to acquire non-Federal lands under Paragraph (3).

6. On page 4, strike paragraph (d)(1) in its entirety and insert the following new paragraph:

(d)(1) Notwithstanding any other authority of law, any department, agency, or instrumentality of the United States or of the State of Georgia, or any other entity which may construct any project recommended in the study entitled "Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers," dated June 1, 1982, which directly adversely impacts any lands within the authorized recreation boundaries of the Bowman's Island tract as shown on the map numbered and dated CHAT-20,003, September 1984, which were in Federal ownership as of September 1, 1984, shall, upon request by the Secretary, mitigate such adverse impacts. It is expressly provided that use of or adverse impact upon any other lands within the recreation area as a result of any such project shall not require mitigation. Mitigation required by this paragraph shall be provided by payment to the United States of a sum not to exceed \$3,200,000.00. The mitigation funds paid pursuant to this paragraph, shall be utilized by the Secretary for the acquisition of replacement lands. Such replacement lands shall be acquired only after consultation with the Governor of Georgia.

7. On page 4, lines 17-22, strike paragraph (2) in its entirety and insert the following new paragraph:

(2) In acquiring replacement lands under paragraph (1) priority shall be given to acquisition of lands within the recreation area boundary and those lands within or adjacent to the 2,000 foot wide corridor referred to in section 101. Any lands acquired pursuant to this subsection lying outside the boundaries of the recreation area shall, upon acquisition, be included within the recreation area and transferred to the Secretary for management under this Act. The Secretary shall publish a revised boundary map to include any lands added to the recreation area pursuant to this subsection.

8. On page 4, strike lines 23 and 24 and insert:

(3) If lands as described in paragraph (2) are not available for acquisition,

9. On page 5, line 5, strike "\$84,600,000", and insert "\$79,400,000".

10. On page 5, line 20, strike the word "effect," and insert the following: "effect on the natural or cultural resources of the recreation area,".

11. On page 10, lines 7 and 8, strike "Georgia Chamber of Commerce" and insert in lieu thereof, "Business Council of Georgia".

12. On page 11, strike subsection (e) in its entirety and insert a new subsection as follows:

(e) The Advisory Commission shall terminate on the date ten years after the date of the enactment of this subsection.

PURPOSE

The purposes of H.R. 2645, as reported, are to amend the Act that originally established the Chattahoochee River NRA (Public Law 95-344; 16 U.S.C. 460ii), to provide for modification of the boundary, land ownership pattern and certain permitted uses; to increase the authorization for land acquisition; and to establish an Advisory Commission for the NRA.

SUMMARY OF MAJOR PROVISIONS

H.R. 2645, as reported, provides for the following:

It includes the finding that a 2,000 foot corridor on either side of the river is an area of "national concern", for purposes of protecting the scenic, recreational and natural values;

It provides for a new boundary map and increases the acreage ceiling from 6,300 acres to approximately 6,800 acres.

It directs the Secretary to exchange certain lands, identified on the official map, owned by the United States for non-Federal lands within the boundary;

It provides that this particular authority to exchange lands within the NRA corridor terminates at the end of 10 years, and lands identified for exchange, but not exchanged within 10 years of enactment would be retained and included in the recreation area;

It would require any individual or entity who constructs a project which adversely affects certain lands within the recreation area to mitigate such effects.

It increases the ceiling on appropriations for land acquisition from \$72,900,000 to \$79,400,000; and

It establishes a Chattahoochee River National Recreation Area Advisory Commission of 12 members appointed by the Secretary.

BACKGROUND

In 1978 Congress enacted Public Law 95-344, authorizing the establishment of the Chattahoochee National Recreation Area, to be managed as a unit of the National Park System. The NRA was to include as much as 6,300 acres along a 48-mile stretch of the river. The Act authorized \$72.9 million for land acquisition. To date approximately 3,600 acres have been acquired at a cost of about \$67,000,000, and consist of 14 high priority units scattered along the 48 mile stretch of river.

At the time of enactment of Public Law 95-344, the boundaries of the NRA were defined in a general way, but it was recognized that additional study was needed to perfect the boundaries, identify any additional lands which should be managed in a natural or

near-natural condition and might need to be added at a later date, and to assure proper management of the area.

H.R. 2645, as reported, recognizes the needed changes in the NRA boundary, land acquisition and disposal program, funding authorization, and management of the area.

LEGISLATIVE HISTORY

H.R. 2645 was passed by the House on March 5, 1984. A hearing before the Subcommittee on Public Lands and Reserved Water was held on May 17, 1984. The Administration, in testimony, opposed the bill.

At a business meeting on September 12, 1984 the Senate Committee on Energy and Natural Resources ordered H.R. 2645, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 12, 1984, by unanimous vote of a quorum present recommends that the Senate pass H.R. 2645, if amended, as described herein.

The rollcall vote on reporting the measure was 20 yeas, 0 nays as follows:

YEAS
 Mr. McClure
 Mr. Hatfield
 Mr. Domenici ¹
 Mr. Waliop
 Mr. Warner
 Mr. Murkowski ¹
 Mr. Nickles
 Mr. Hecht
 Mr. Chafee ¹
 Mr. Heinz ¹
 Mr. Evans
 Mr. Johnston
 Mr. Bumpers
 Mr. Ford
 Mr. Metzenbaum ¹
 Mr. Matsunaga ¹
 Mr. Melcher
 Mr. Tsongas ¹
 Mr. Bradley
 Mr. Levin

NAYS

¹ Indicates voted by proxy.

COMMITTEE AMENDMENTS

The Committee made 12 amendments to H.R. 2645 as passed the House of Representatives. Generally, H.R. 2645 as ordered reported would increase the authority to acquire lands in the Chattahoochee River NRA from the present ceiling of approximately 6,300 acres to approximately 6,800 acres, an increase of approximately 500 acres. The authorization for appropriations for land acquisition would be

increased from \$72,900,000 to \$79,400,000 an increase of \$6,500,000. H.R. 2645 as passed the House would have increased the authority to acquire lands in the NRA from approximately 6,300 acres to approximately 7,328 acres, an increase of 1,028 acres. The authorization for appropriations would have been increased from \$72,400,000 to \$84,600,000.

The Committee made the following amendments:

1. The date on the map of reference of the NRA was changed to reflect the boundary adjustments contained in the Committee amendments, and to provide for a new map.

2. The acreage ceiling for lands to be included within the boundaries and authorized for acquisition within the NRA was decreased from 7,328 acres to 6,800 acres.

The Committee identified the following tracts for inclusion in the proposed boundaries as additions to the present NRA: Barnwell Bluff (partial) Suwanee Creek (partial), McGinnis Ferry, Rogers Homestead, Brandon Hall, Island Ford, Medlock Bridge, Johnson Ferry, Vicksy Creek extension, and the Polo Fields.

The following tracts were deleted from the NRA: Barnwell Bluff (partial), Suwanee Creek (partial), State Fish Hatchery, Dekalb Water Intake, Island Ford (Woodall Tract), Morgan Falls, and Bowman's Island (partial).

3. This amendment alters the provisions of H.R. 2645 as passed the House that require the Secretary of the Interior to identify exchange lands, exclude them from the new boundaries of the NRA and provide for the lands to be exchanged under section 206 of FLPMA. The Committee amendment retains the land within the NRA, identifies exchange tracts and provides for the exchange authority under Section 206 of FLPMA.

The following tracts are identified as exchange tracts on the referenced map and remain within the boundaries of the NRA until the exchanges are completed: Morgan Falls-Gold Branch, Palisades (partial) and Cochran Shoals (partial).

4. This is a conforming amendment.

5. This amendment requires the Secretary to publish a map of boundary revisions when lands are exchanged pursuant to this Act.

6. The Committee deleted the provisions in H.R. 2645 as passed the House which provided that any United States or State of Georgia department, agency, or instrumentality, or any other entity constructing any water supply projects adversely affecting the recreation area shall mitigate such effects by acquisition of replacement lands of comparable value within the river corridor referred to in Section 101.

The Committee amendment provides that any entity which may construct any project identified in a specific study identified in the section which has direct adverse impacts on any lands of the Bowman's Island Tract, as identified on the map of reference, shall mitigate adverse impacts upon request of the Secretary by payment to the United States of a sum not to exceed \$3,200,000. Mitigation is not required for use or adverse impact on other lands in the NRA other than the Bowman's Island Tract. The Secretary is to use the mitigation funds for replacement lands.

The Committee made specific deletions and additions in the Bowman's Island Tract in the NRA. If the project referred to in section

104(d)(1) of the Act is constructed, the river recreation potential and use patterns along the river may be changed. The Committee expects the NPS to manage the area for other recreational uses, examine the present and future uses of the area to see if it is compatible with the purposes and objectives of the NRA; and make recommendation to the Congress on the use and management of the area above the proposed project.

7. The Committee amendment made it clear that the first land acquisition priority is to acquire lands in the recreation area boundary. Any lands acquired outside the boundaries shall be transferred to the Secretary for management under the Act.

8. This amendment states that if lands within the boundary or within or adjacent to the 2,000 foot corridor are not available, other lands within the State of Georgia may be acquired if such lands are transferred to the State of Georgia for permanent management for public outdoor recreation.

9. This amendment is self explanatory.

10. This amendment clarifies the intent in section 105.

11. This amendment reflects the recent name change of a potential member of the Advisory Commission for the NRA.

12. This amendment deletes a redundant provision.

SECTION-BY-SECTION ANALYSIS

Subsection 1(a) amends subsection 101(a) of Public Law 95-344 by providing for a 2,000 foot wide corridor adjacent to each bank of the Chattahoochee River and its impoundments to be designated as an area of national concern, for purposes of fostering Federal, State and local government assistance in protecting the scenic, recreational and natural values.

Subsection 1(b) also amends section 101(a) to provide a new boundary map. The acreage authorized for acquisition within the recreation area is increased from 6,300 acres to approximately 6,800 acres.

Subsection 1(c) adds a new subsection (f) to section 102 which directs the Secretary to exchange certain federally owned lands for non-Federal lands of equal value, within the boundaries of the recreation area; This particular authority to exchange lands within the NRA corridor terminates at the end of 10 years, and lands identified for exchange, but not exchanged within 10 years of enactment would be retained and included in the recreation area. This subsection also provides for subsequent revision of the boundary map referred to in section 101.

Subsection 1(d) adds a new subsection (d) to Section 104 which provides that any United States or State of Georgia department, agency, or instrumentality, or any other entity constructing any project recommended in the "Metropolitan Atlanta Water Resources Management Study" (6/1/82), which adversely affects the lands within the Bowman's Island tract, to mitigate such effects. Mitigation shall be in the form of mitigation funds, not to exceed \$3.2 million, which will be used for acquisition of replacement lands within the river corridor referred to in section 101. Such lands shall be acquired only after consultation with the Secretary and the Governor of Georgia. This mitigation requirement is limit-

ed to projects on the Bowman's Island tract. Averse impacts on other lands within the recreation area resulting from such projects shall not require mitigation. Subsection (d) also requires that first priority for acquisition of replacement lands shall be within the recreation area boundary and within or adjacent to the 2,000 foot wide river corridor and that any land acquired therein shall be included in the recreation area and transferred to the jurisdiction of the Secretary. It also provides that if replacement lands within the corridor are not available, other lands within the State of Georgia may be acquired and will be transferred to the State for management for public outdoor recreation.

Subsection 1(e) amends subsection 105(a) to increase the authorization for appropriations from \$72,900,000 to \$79,400,000; amends subsection 105(c) to provide for seven years from the date of enactment for completion of the general management plan rather than three years; and adds a new subsection 105(d) which provides for federal consistency for certain actions within the 2,000 foot corridor to protect the resources of national concern, but exempts any water development project recommended in a referenced study and certain activities other than those in paragraph 104(d)(1) as amended.

Subsection 1(f) adds a new section 106 to the Act that establishes the Chattahoochee River National Recreation Area Advisory Commission. The 13 voting members would be appointed by the Secretary from individuals recommended by local or State agencies or groups. The Recreation Area Superintendent would serve as a non-voting member of the Commission. The Commission would designate one of its members as Chairman. The term of Commission members would be three years except the initial appointments would be staggered terms of one to 3 years. The Commission would meet on a regular basis, with public notice of its meetings and agenda, and in locations and in such a manner as to insure adequate public involvement. Commission members would serve without compensation, but the Secretary of the Interior may reimburse expenses incurred in official duties on vouchers signed by the Chairman, and the Commission would terminate 10 years after the date of enactment.

Section 2 provides for Budget Act compliance.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.



CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

Rudolph G. Penner
Director

September 19, 1984

Honorable James A. McClure
Chairman
Committee on Energy and Natural
Resources
United States Senate
360 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

The Congressional Budget Office has prepared the attached cost estimate for H.R. 2645, a bill to amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Rudy Penner'.

Rudolph G. Penner

cc: Honorable J. Bennett Johnston, Jr.
Ranking Minority Member

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

September 19, 1984

1. BILL NUMBER: H.R. 2645

2. BILL TITLE:

A bill to amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia.

3. BILL STATUS:

As ordered reported by the Senate Committee on Energy and Natural Resources, September 12, 1984.

4. BILL PURPOSE:

H.R. 2645 would designate a 2,000-foot-wide corridor adjacent to each bank of the Chattahoochee River as an area of national concern. The total acreage authorized for acquisition at the Chattahoochee site would be increased from 6,300 acres to approximately 6,800 acres. The bill would direct the Secretary of the Interior to exchange federally owned lands within the current boundary (but outside the boundary established by this bill) for lands of equal value within the new boundary. H.R. 2645 would increase the existing authorization ceiling for land acquisition at Chattahoochee from \$72.9 million to \$79.4 million.

In addition, H.R. 2645 would establish a 13-member Chattahoochee River National Recreation Area Advisory Commission. Commission members may receive no compensation except for out-of-pocket expenses incurred while on commission business.

5. ESTIMATED COST TO THE FEDERAL GOVERNMENT:

(by fiscal years, in millions of dollars)

	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Authorization Level	6.5	---	---	---	---
Estimated Outlays	3.3	2.6	0.6	---	---

The costs of this bill fall within budget function 300.

Basis of Estimate:

The authorization level is the difference between the existing ceiling of \$72.9 million and the new ceiling established in the bill. For purposes of this estimate, it is assumed that the additional amounts authorized will be appropriated for fiscal year 1985. Outlays are based on historical patterns for similar activities.

H.R. 2645 provides that for purposes of Public Law 95-42 the new authorization ceiling shall be treated as if it had been enacted prior to the convening of the 96th Congress. Public Law 95-42 allowed annual appropriations for laws enacted prior to the convening of the 95th Congress (96th Congress for national recreation areas) to exceed statutory authorization ceilings by the greater of 10 percent or \$1 million. The above estimate does not include any estimate of additional authorizations that are provided indirectly in this bill as a result of the provisions of Public Law 95-42. Appropriations to date for land acquisition at the Chatahoochee site have been \$67.9 million. No additional purchases have been included in the Administration's 1985 budget request.

H.R. 2645 would require a payment of \$3.2 million to be made to the United States if the Secretary of the Interior requests such payment as mitigation for any adverse effects due to the construction of a project recommended in a 1982 Army Corps of Engineers study. The \$3.2 million will be used by the Secretary to purchase replacement lands. As payment will be made by the ultimate beneficiaries of the project, no net impact on the federal budget is expected.

An estimated \$2,500 to \$5,000 per year may be required to reimburse expenses of members of the advisory commission.

- 6. ESTIMATED COST TO STATE AND LOCAL GOVERNMENTS: None.
- 7. ESTIMATE COMPARISON: None.
- 8. PREVIOUS CBO ESTIMATE:

On March 2, 1984, the Congressional Budget Office prepared a cost estimate for H.R. 2645, as ordered reported by the House Committee on Interior and Insular Affairs, February 22, 1984. That version of the bill increased the authorization for land acquisition by \$11.7 million (compared to \$6.5 million for the Senate version.)

- 9. ESTIMATE PREPARED BY: Deb Reis (226-2860)
- 10. ESTIMATE APPROVED BY:

C.F. Muckols
 for James L. Blum
 Assistant Director
 for Budget Analysis

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 2645. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 2645 as reported.

EXECUTIVE COMMUNICATIONS

The Administration did not transmit a legislative report on this measure. In the absence of such report, the pertinent portion of the testimony given by the Administration witness at a hearing on S. 1218 and H.R. 2645 before the Subcommittee on Public Lands and Reserved Water, on May 17, 1984, is set forth below:

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 1218 AND H.R. 2645, BILLS "TO AMEND THE ACT OF AUGUST 15, 1978, REGARDING THE CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA IN THE STATE OF GEORGIA."

MAY 17, 1984

MR. CHAIRMAN, THANK YOU FOR THE OPPORTUNITY TO PRESENT THE VIEWS OF THE NATIONAL PARK SERVICE ON S. 1218 AND H.R. 2645, AS PASSED THE HOUSE, BOTH WHICH WOULD AMEND THE ACT OF AUGUST 15, 1978, ESTABLISHING THE CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA, GEORGIA.

MR. CHAIRMAN, THE CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA WAS ESTABLISHED IN 1978 BY PUBLIC LAW 95-344. THE PARK WAS AUTHORIZED TO INCLUDE AS MUCH AS 6,300 ACRES AND 48 MILES OF THE RIVER AND ITS BED BETWEEN BUFORD DAM AT LAKE SIDNEY LANIER AND PEACHTREE CREEK IN ATLANTA. OF THE \$72.9 MILLION AUTHORIZED FOR LAND ACQUISITION, \$5.98 MILLION REMAINS UNAPPROPRIATED; APPROXIMATELY 3,600 ACRES HAVE BEEN ACQUIRED BY THE NATIONAL PARK SERVICE. THE RECREATION AREA SERVES A LARGE REGIONAL POPULATION AND HAS NATURAL AND CULTURAL FEATURES THAT WARRANT NATIONAL RECOGNITION AND PROTECTION. IN 1982, APPROXIMATELY 682,000 PEOPLE VISITED CHATTAHOOCHEE.

MR. CHAIRMAN, WE OPPOSE THE PASSAGE OF THESE BILLS. WE CANNOT SUPPORT THE \$11,700,000 INCREASE IN THE CEILING FOR LAND ACQUISITION AND THE 1,028-ACRE INCREASE IN THE ACREAGE CEILING. AS YOU KNOW, ALL AGENCIES OF THE FEDERAL GOVERNMENT ARE ENGAGED IN AN EFFORT TO KEEP COSTS AND BUDGET AUTHORIZATIONS DOWN. FURTHERMORE, WE BELIEVE THE GOALS OF THIS LEGISLATION CAN BEST BE ACHIEVED THROUGH A PARTNERSHIP, A SHARED RESPONSIBILITY AMONG THE NATIONAL PARK SERVICE, THE STATE OF GEORGIA, THE COUNTIES AND MUNICIPALITIES ALONG THE RIVER, AND PRIVATE INTERESTS WHOSE ACTIONS OR INTERESTS WOULD DIRECTLY AFFECT THE RECREATION AREA. INSTEAD OF FEDERAL OWNERSHIP AND MANAGEMENT OF A RECREATION AREA OF 7,328 ACRES, WE RECOMMEND THAT THE FEDERAL ROLE BE LIMITED TO THOSE LANDS WE HAVE ACQUIRED, 3,600 ACRES, AND INTEND TO ACQUIRE

WITHIN THE \$72.9 MILLION CEILING AUTHORIZED BY THE ACT OF 1978. TO COMPLETE THE FEDERAL PORTION OF THE RECREATION AREA, WE HAVE \$5.98 MILLION REMAINING FROM THE ORIGINAL AUTHORIZATION, AND WE HAVE THE OPPORTUNITY AND AUTHORITY FOR ACQUISITION THROUGH EXCHANGE.

THE ROLE OF THE SERVICE IN THIS PARTNERSHIP WOULD BE TO PROTECT THE FEDERAL LANDS AND FACILITATE AND DEVELOP ACCESS AND PUBLIC USE OF THE AREA'S RESOURCES. ADDITIONAL RESOURCE PROTECTION SHOULD BE THE RESPONSIBILITY OF STATE AND LOCAL GOVERNMENTS. WE RECOMMEND THAT THE NON-FEDERAL LANDS WITHIN THE PARK BOUNDARY BE PROTECTED THROUGH THE PARTNERSHIP ARRANGEMENT BY ENCOURAGING GREATER SENSITIVITY IN LOCAL ZONING DECISION, TAX INCENTIVES, AND BY LAND ACQUISITION BY OTHER PUBLIC ENTITIES. WITH COOPERATION FROM BOTH THE PUBLIC AND PRIVATE SECTOR, THE PARK ENVISIONED BY CONGRESS STILL CAN BE ACHIEVED WITHOUT EXCEEDING THE DOLLAR LIMIT SET FOR FEDERAL LAND ACQUISITION. TO SUMMARIZE THE PLANNING HISTORY, A DRAFT GMP AND EIS WAS COMPLETED IN SEPTEMBER, 1981. PUBLIC HEARINGS WERE HELD ON THAT DOCUMENT IN OCTOBER AND NOVEMBER, 1981. THE CHATTAHOOCHEE RESOURCE PROTECTION CASE STUDY WAS COMPLETED JUNE, 1982. THE CURRENT DRAFT GMP AND EIS WAS COMPLETED SEPTEMBER, 1982, AND WILL NOT BE FINALIZED UNTIL THE BOUNDARY ISSUE IS RESOLVED.

THE POTENTIAL FOR A PARTNERSHIP TO PROTECT THE CORRIDOR WAS UNDERScoreD IN 1983 WHEN THE GEORGIA LEGISLATURE PASSED AMENDMENTS TO THE METROPOLITAN RIVER PROTECTION ACT -- STATE LEGISLATION INTENDED TO GUIDE DEVELOPMENT AND RESOURCE PROTECTION WITHIN A 4,000-FOOT CORRIDOR ALONG 48 MILES OF THE RIVER. THESE AMENDMENTS WERE THE RESULT OF A JOINT EFFORT BY THE SERVICE, LOCAL AND STATE OFFICIALS, CONSERVATION ORGANIZATIONS, AND THE PRIVATE SECTOR. THESE AMENDMENTS STRENGTHEN AND CLARIFY THE ORIGINAL ACT, AUTHORIZING A MORE ACTIVE ROLE FOR LOCAL GOVERNMENTS IN WATER QUALITY ENFORCEMENT OF THE RIVER AND ITS TRIBUTARIES. LOCAL GOVERNMENTS ALSO MUST DEVELOP PLANS WHICH WOULD CREATE SMALL BUFFER AREAS

ALONG THE RIVER'S TRIBUTARIES, WHERE NO LAND WOULD BE DISTURBED. THESE LOCAL GOVERNMENTS WOULD ALSO PREPARE REGULATIONS WHICH WOULD EMPHASIZE THE STATE'S EROSION AND SEDIMENT CONTROL ACT. FURTHER, THE PERMITTING REVIEW PROCESS WAS UNIFIED AND STREAMLINED.

THIS STATE LEGISLATION IS A MAJOR STEP IN THE PROTECTION OF THE RIVER'S RESOURCES. THE NATIONAL PARK SERVICE BELIEVES IT CAN HELP INVIGORATE THIS PARTNERSHIP. THE NATIONAL PARK SERVICE WILL SEEK TO FORMALIZE THE PARTNERSHIP BY THE DEVELOPMENT OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE SERVICE AND THE STATE AND LOCAL GOVERNMENTS. THE MOU WOULD SPECIFY THE RESPONSIBILITIES OF ALL PARTIES REGARDING PROTECTION, ECONOMIC DEVELOPMENT, AND OTHER APPROPRIATE LAND USES IN THE AREA.

MR. CHAIRMAN, WE HAVE NO OBJECTION TO THE CREATION OF AN ADVISORY COMMISSION FOR CHATTAHOOCHEE, BUT WE BELIEVE NO LEGISLATION IS NECESSARY SINCE SUCH A COMMISSION COULD BE ESTABLISHED UNDER THE AUTHORITY OF THE FEDERAL ADVISORY COMMITTEE ACT.

THIS CONCLUDES MY STATEMENT. I AM HAPPY TO ANSWER ANY QUESTIONS YOU OR MEMBERS OF THE SUBCOMMITTEE MAY HAVE.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act, H.R. 2645, as ordered reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 95-344—AUGUST 15, 1978

(92 STAT. 474)

(16 U.S.C. 460ii)

AN ACT To authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The Congress finds the natural, scenic, recreation, historic, and other values of a forty-eight-mile segment of the Chattahoochee River and certain adjoining lands in the State of Georgia from Buford Dam downstream to Peachtree Creek are of special national significance, and that such values should be preserved and protected from developments and uses which would substantially impair or destroy them. In order to assure such preservation and protection for public benefit and enjoyment, there is hereby established the Chattahoochee River National Recreation Area (hereinafter referred to as the "recreation area"). The recreation area shall consist of the river and its bed together with the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Chattahoochee River National Recreation Area", [numbered CHAT-20,000, and dated July 1976] *numbered CHAT 20,003, and dated September, 1984*, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior. Following reasonable notice in writing to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate of his intention to do so, the Secretary of the Interior (hereinafter referred to as the "Secretary") may, by publication of a revised map or other boundary description in the Federal Register, (1) make minor revisions in the boundary of the recreation area, and (2) revise the boundary to facilitate access to the recreation area, or to delete lands which would be of little or no benefit to the recreation area due to the existence of valuable improvements completely constructed prior to the date of enactment of this Act. The total area, exclusive of the river and its bed, within the recreation area may not exceed [six thousand three hundred acres] *six thousand eight hundred acres. For purposes of facilitating Federal technical and other support to State and local governments to assist State and local efforts to protect the scenic, recreational, and natural values of*

a 2,000 foot wide corridor adjacent to each bank of the Chattahoochee River and its impoundments in the 48-mile segment referred to above, such corridor is hereby declared to be an area of national concern.

SEC. 102. (a) Within the recreation area the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation.

(b) When a tract of land lies partly within and partly without the boundaries of the recreation area, the Secretary may acquire the entire tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the recreation area may be exchanged by the Secretary for non-Federal land within such boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et. seq.).

(c) Except for property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use, an owner of improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain, as a condition of such acquisition, a right of use and occupancy of the property for such residential purposes. The right retained may be for a definite term which shall not exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of the spouse, whichever occurs later. The owner shall elect the term to be retained. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner.

(d) Any right of use and occupancy retained pursuant to this section may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of the property in accordance with the purposes of this Act. Upon his determination that the property, or any portion thereof, has ceased to be so used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(e) As used in this section, the term "improved property" means a detached, year-round noncommercial residential dwelling, the construction of which was begun before January 1, 1975, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(f)(1) *The Secretary shall exchange those federally owned lands identified on the map referenced in Section 101 of this Act as "exchange lands" for non-federal lands which are within the bound-*

aries of the recreation area. The values of the lands exchanged under this subsection shall be equal, or shall be equalized in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.

(2) At three year intervals after the date of the enactment of this subsection, the Secretary shall publish in the Federal Register a progress report on the land exchanges which have taken place and the exchanges which are likely to take place under the authority of this subsection. Such report shall identify the lands which are unsuitable for exchange pursuant to such authority.

(3) Effective on the date ten years after the date of the enactment of this subsection, the exchange authority of paragraph (1) shall terminate. The exchange lands identified under paragraph (1) which have not been exchanged prior to such date shall be retained in Federal ownership as part of the recreation area.

(4) The Secretary shall publish a revision of the boundary map referred to in section 101 to exclude from the boundaries of the recreation area any exchange lands which are used to acquire non-Federal lands under Paragraph (3).

SEC. 103. (a) The Secretary shall administer, protect, and develop the recreation area in accordance with the Act of August 25, 1916 (39 Stat. 535), and in accordance with any other statutory authorities available to him for the conservation and management of historic and natural resources, including fish and wildlife, to the extent he finds such authority will further the purposes of this Act. In developing and administering the recreation area, the Secretary shall take into consideration applicable Federal, State, and local recreation plans and resource use and development plans, including, but not limited to, the Atlanta Regional Commission Chattahoochee Corridor Study, dated July 1972.

(b) The Secretary is authorized and encouraged to enter into cooperative agreements with the State or its political subdivisions whereby he may assist in the planning for and interpretation of non-Federal publicly owned lands within or adjacent or related to the recreation area to assure that such lands are used in a manner consistent with the findings and purposes of this Act.

(c) In planning for the development and public use of the recreation area, the Secretary shall consult with the Secretary of the Army to assure that public use of adjacent or related water resource development or flood control projects and that of the recreation area are complementary.

(d) In administering the recreation area, the Secretary may permit fishing in waters under his jurisdiction in accordance with applicable State and Federal laws and regulations. The Secretary, after consultation with the appropriate State agency responsible for fishing activities, may designate zones where, and establish periods when, fishing shall be permitted and issue such regulations as he may determine to be necessary to carry out the provisions of this subsection. Except in emergencies, such regulations shall be put into effect only after consultation with the appropriate State agency.

SEC. 104. (a) The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the

Federal Power Act (16 U.S.C. 791a et seq.), on or directly affecting the recreation area, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such area is established, except where such project is determined by the State of Georgia to be necessary for water supply or water quality enhancement purposes and authorized by the United States Congress. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments upstream or downstream from the recreation area or on any stream tributary thereto which will not invade the recreation area or unreasonably diminish the scenic, recreational, and fish and wildlife values present therein on the date of approval of this Act. Nothing contained in this subsection shall preclude the upgrading, improvement, expansion or development of facilities or public works for water supply or water quality enhancement purposes if such action would not have a material adverse effect on the values for which the recreation area is established.

(b) No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such area is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without at least sixty days in advance, (1) advising the Secretary in writing of its intention to do so and (2) reporting to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate the nature of the project involved and the manner in which such project would conflict with the purposes of this Act or would affect the recreation area and the values to be protected by it under this Act. It is not the intention of Congress by this Act to require the manipulation or reduction of lake water levels in Lake Sidney Lanier. Nothing in this Act shall be construed in any way to restrict, prohibit, or affect any recommendation of the Metropolitan Atlanta Water Resources Study as authorized by the Public Works Committee of the United States Senate on March 2, 1972.

(c) The Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in lands necessary to achieve the purposes of this Act.

(d)(1) Notwithstanding any other authority of law, any department, agency, or instrumentality of the United States or of the State of Georgia, or any other entity which may construct any project recommended in the study entitled "Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers," dated June 1, 1982, which directly adversely impacts any lands within the authorized recreation boundaries of the Bowman's Island tract as shown on the map numbered and dated CHAT-20,003, September 1984, which were in federal ownership as of September 1, 1984, shall, upon request by the Secretary, mitigate such adverse impacts. It is expressly provided that use of or adverse impact upon any other lands within the recreation area as a result

of any such project shall not require mitigation. Mitigation required by this paragraph shall be provided by payment to the United States of a sum not to exceed \$3,200,000.00. The mitigation funds paid pursuant to this paragraph, shall be utilized by the Secretary for the acquisition of replacement lands. Such replacement lands shall be acquired only after consultation with the Governor of Georgia.

(2) In acquiring replacement lands under paragraph (1) priority shall be given to acquisition of lands within the recreation area boundary and those lands within or adjacent to the 2,000 foot wide corridor referred to in section 101. Any lands acquired pursuant to this subsection lying outside the boundaries of the recreation area shall, upon acquisition, be included within the recreation area and transferred to the Secretary for management under this Act. The Secretary shall publish a revised boundary map to include any lands added to the recreation area pursuant to this subsection.

(3) If lands as described in paragraph (2) are not available for acquisition, other lands within the State of Georgia may be acquired as replacement lands under paragraph (1) if such lands are transferred to the State of Georgia for permanent management for public outdoor recreation.

SEC. 105. (a) From the appropriations authorized for fiscal year 1978 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended, not more than ~~[\$72,900,000]~~ \$79,400,000 may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this Act. For purposes of section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(3)), the statutory ceiling on appropriations under this subsection shall be deemed to be a statutory ceiling contained in a provision of law enacted prior to the convening of the Ninety-sixth Congress.

(b) Effective on October 1, 1978, there are authorized to be appropriated not to exceed \$500,000 for the development of essential public facilities.

(c) Within ~~[three]~~ seven years from the effective date of this Act, the Secretary shall, after consulting with the Governor of the State of Georgia, develop and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a general management plan for the use and development of the recreation area consistent with the findings and purposes of this Act, indicating:

(1) lands and interests in lands adjacent or related to the recreation area which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this Act, the estimated cost of acquisition, and the recommended public acquisition agency;

(2) the number of visitors and types of public use within the recreation area that can be accommodated in accordance with the full protection of its resources; and

(3) the facilities deemed necessary to accommodate and provide access for such visitors and uses, including their location and estimated cost.

(d)(1) Whenever any Federal department, agency, or instrumentality proposes to undertake any action, or provide Federal assistance for any action, or issue any license or permit for an action within the corridor referred to in section 101 which may have a direct and adverse effect on the natural or cultural resources of the recreation area, the head of such department, agency, or instrumentality shall—

(A) promptly notify the Secretary of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 for the action;

(B) provide the Secretary a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the recreation area; and

(C) notify the Secretary of the specific decisions made in respect to the comments and recommendations of the Secretary.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such Agency pursuant to the National Environmental Policy Act.

(2) Following receipt of notification pursuant to paragraph (1)(A), the Secretary, after consultation with the Governor of Georgia, shall make such comments and recommendations as the Secretary deems appropriate pursuant to paragraph (1)(B) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to paragraph (1)(A). In any instance in which the Secretary does not provide comments and recommendations under paragraph (1)(B), the Secretary shall notify in writing, the appropriate committees of Congress.

(3) Following receipt of the notifying agency's decisions pursuant to paragraph (1)(C), the Secretary shall submit to the appropriate committees of Congress, including the authorizing committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to paragraph (1)(C), along with a copy of the comments and recommendations made pursuant to paragraph (1)(B).

(4) In any instance in which the Secretary has not been notified of a Federal agency's proposed action within the corridor, and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of the recreation area, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency shall promptly comply with the provisions of subparagraphs (A), (B), and (C) of paragraph (1) of this subsection.

(5) Each agency or instrumentality of the United States conducting Federal action upon federally owned lands or waters which are administered by the Secretary and which are located within the authorized boundary of the recreation area shall not commence such action until such time as the Secretary has concurred in such action.

(6) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this subsection—

- (A) those necessary for safeguarding of life and property;
- (B) those necessary to respond to a declared state of disaster;
- (C) those necessary to respond to an imminent threat to national security; and
- (D) those that the Secretary has determined to be not inconsistent with the general management plan for the recreation area.

Actions which are part of a project recommended in the study entitled "Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers", dated June 1, 1982, and any Federal action which pertains to the control of air space, which is regulated under the Clean Air Act, or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisions of this subsection.

SEC. 106. (a) There is hereby established the Chattahoochee River National Recreation Area Advisory Commission (hereinafter in this Act referred to as the 'Advisory Commission') to advise the Secretary regarding the management and operation of the area, protection of resources with the recreation area, and the priority of lands to be acquired within the recreation area. The Advisory Commission shall be composed of the following thirteen voting members appointed by the Secretary:

(1) four members appointed from among individuals recommended by local governments—

(A) one of whom shall be recommended by the Board of County Commissioners of Forsyth County;

(B) one of whom shall be recommended by the Board of County Commissioners of Fulton County;

(C) one of whom shall be recommended by the Board of County Commissioners of Cobb County; and

(D) one of whom shall be recommended by the Board of County Commissioners of Gwinnett County;

(2) one member appointed from among individuals recommended by the Governor of Georgia;

(3) one member appointed from among individuals recommended by the Atlanta Regional Commission;

(4) four members appointed from among individuals recommended by a coalition of citizens public interest groups, recreational users, and environmental organizations concerned with the protection and preservation of the Chattahoochee River;

(5) one member appointed from among individuals recommended by the Business Council of Georgia or by a local chamber of commerce in the vicinity of the recreation area; and

(6) two members who represent the general public, at least one of whom shall be a resident of one of the counties referred to in paragraph (1).

In addition, the Park Superintendent for the recreation area shall serve as a nonvoting member of the Advisory Commission. The Advisory Commission shall designate one of its members as Chairman.

(b)(1) Except as provided in paragraph (2), members of the Advisory Commission shall serve for terms of three years. Any voting

member of the Advisory Commission may be reappointed for one additional three-year term.

(2) The members first appointed under paragraph (1) shall serve for a term of one year. The members first appointed under paragraphs (2), (3), (5), and (6) shall serve for a term of two years.

(c) The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement.

(d) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(e) The Advisory Commission shall terminate on the date ten years after the date of the enactment of this subsection.

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